PROB 12B
(7/93)

Report Date: May 12, 2008

United States District Court

for the

Eastern District of Washington

Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Franklin Demack Scribner   Case Number: 2:02CR02156-001

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea

Date of Original Sentence: 3/5/2003   Type of Supervision: Supervised release

Original Offense: Felon in Possession of a Firearm, 18 U.S.C. § 922(g)
Possession of Unregistered Firearm, 26 U.S.C. § 5841, 5861(d), and 5871

Date Supervision Commenced: 5/8/2008

Original Sentence: Prison - 51 Months; TSR - 36 Months

Date Supervision Expires: 5/7/2011

PETITIONING THE COURT

To modify the conditions of supervision as follows:

16   You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

17   You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.

CAUSE

The petition for modification of the conditions of supervised release is made due to the defendant's history of illegal drug use. Mr. Scribner was released from the Bureau Prisons on May 8, 2008. He will be referred to Merit Resource Services for drug and alcohol treatment and testing. In order to be in compliance with Ninth Circuit Case Law, the above modification is recommended.

The attached waiver of hearing to modified conditions form was reviewed with Mr. Scribner, to which he acknowledged this understanding verbally and with his signature.
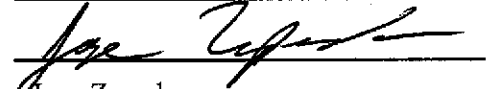
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I declare under penalty of perjury that the foregoing is true and correct.
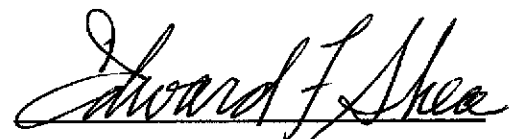
Executed on: May 12, 2008

Jose Zepeda
U.S. Probation Officer

THE COURT ORDERS

[ ]   No Action
[ ]   The Extension of Supervision as Noted Above
[X]   The Modification of Conditions as Noted Above
[ ]   Other

Signature of Judicial Officer

5/15/08

Date

PROB 49
(3/89)

United States District Court

Eastern District of Washington

Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

To modify the conditions of supervision as follows:

16   You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

17   You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.

Witness: _____   Signed: _____
                U.S. Probation Officer   Franklin Demack Scribner
                                                                        Probationer or Supervised Releasee

_____May 12, 2008_____
Date